

1 Gene J. Stonebarger, State Bar No. 209461
2 gstonebarger@stonebargerlaw.com
3 Richard D. Lambert, State Bar No. 251148
rlambert@stonebargerlaw.com
4 Elaine W. Yan, State Bar No. 277961
eyan@stonebargerlaw.com
5 STONEBARGER LAW, APC
75 Iron Point Circle, Suite 145
6 Folsom, CA 95630
Telephone: (916) 235-7140
Facsimile: (916) 235-7141

7 H. Tim Hoffman, State Bar No. 049141
hth@hoffmanandlazear.com
8 Chad A. Saunders, State Bar No. 257810
cas@hoffmanandlazear.com
9 HOFFMAN & LAZEAR
10 180 Grand Avenue, Suite 1550
Oakland, CA 94612
11 Telephone: (510) 763-5700
Facsimile: (510) 835-1311

13 | *Attorneys for Plaintiff Nancy Dardarian and the Class*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

17 NANCY DARDARIAN, individually and on
18 behalf of all others similarly situated,

Plaintiffs,

V.

21 OFFICEMAX NORTH AMERICA, INC., an
Ohio corporation.

Defendant.

Case No. 4:11-cv-00947 YGR

CLASS ACTION

NOTICE OF MOTION AND MOTION FOR CLASS CERTIFICATION

Date: November 27, 2012

Time: 2:00 p.m.

Judge: Hon. Yvonne Gonzales Rogers

1 **TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS:**

2 **PLEASE TAKE NOTICE** that on November 27, 2012 at 2:00 p.m. in Courtroom 3 of
3 the Northern District of California, Oakland Division, Plaintiff Nancy Dardarian will move for
4 an order seeking:

5 (1) Certification of the following Class pursuant to Rules 23(a) and 23(b)(3) of the
6 Federal Rules of Civil Procedure ("FRCP") with respect to the Consolidated Class Action
7 Complaint on file in this action against Defendant OfficeMax North America, Inc.'s
8 ("Defendant"):

9 All persons from whom Defendant requested and recorded a ZIP code in
10 conjunction with a credit card purchase transaction at a California retail store
from March 1, 2010 through February 22, 2011 (the "Class").

11 Excluded from the Class are: (i) any specific transaction wherein a who utilized a credit card
12 issued to a business was used; or (ii) any specific transaction that involved shipping, delivery,
13 servicing, or installation of the purchased merchandise, or special orders; (iii) officers and
14 directors of Defendant and its corporate parents, subsidiaries, affiliates, or any entity in which
15 Defendant has a controlling interest, and the legal representatives, successors, or assignees of any
16 such excluded persons or entities; and (iv) the Court.

17 (2) Appointing Plaintiff Nancy Dardarian as the Class Representative for the Class; and

18 (3) Appointing the law firms of Stonebarger Law, APC and Hoffman & Lazear as Class
19 Counsel.

20 This motion is based upon this Notice of Motion, the Declaration of Gene J. Stonebarger
21 and the exhibits attached thereto, the Declaration of Plaintiff Nancy Dardarian, the
22 accompanying Memorandum of Points and Authorities in Support of Plaintiff's Motion for Class
23 Certification, and the pleadings and papers in this proceeding, as well as such further argument
24 as the Court may allow at a hearing on this motion. As is more particularly set forth in the
25 accompanying Memorandum, Plaintiff represents that she has satisfied all of the applicable
26 requirements for Class Certification and the relief requested on this motion.

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1 Dated: September 19, 2012

STONEBARGER LAW, APC

2 HOFFMAN & LAZEAR

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4 By: /s/ Gene J. Stonebarger
5 Gene J. Stonebarger
6 gstonebarger@stonebargerlaw.com
7 Richard D. Lambert
8 rlambert@stonebargerlaw.com

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10 Attorneys for Plaintiff and the Class

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12 STONEBARGER LAW
13 A Professional Corporation
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